

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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TADIRAN TELECOM, INC.,

Plaintiff,

ORDER

CV 05-1709 (TCP)(ARL)

-against-

SPRINT PRODUCTS GROUP, INC., and
SPRINT NORTH SUPPLY COMPANY,

Defendants.

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LINDSAY, Magistrate Judge:

Before the court is the plaintiff's letter dated April 10, 2008, seeking the court's guidance concerning whether the handwritten notes of three non-testifying experts who consulted with plaintiff's marketing expert are discoverable. Defendant advises that it does not object to the undersigned's consideration of this question notwithstanding the court's April 2, 2008 order that denied the plaintiff's motion to quash subpoenas served by the defendant on these consultants for lack of jurisdiction. See Ruskamp Letter, dated April 15, 2008.

In the absence of a representation from the defendant that it has withdrawn the subpoenas, the court declines to rule on this issue. To do so would require this court to address the same issue that is squarely and properly before another jurisdiction and may lead to inconsistent rulings. Accordingly, until such time as the parties agree that this court's ruling will be dispositive, the court will not consider the issue.

Dated: Central Islip, New York
April 21, 2008

SO ORDERED:

/s/
ARLENE ROSARIO LINDSAY
United States Magistrate Judge